CT CORPORATION

28145

June 3, 2003

James N. Mayka, Chief
Remedial Response Branch #2
United States Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3590

RE: Continental Can – Himco Dump Site
Reply to the Attention of: SR-6J
SOP: 5425817

Dear James. Mayka:

We are herewith returning the General Notice of Liability, which we received regarding the above captioned matter.

Continental Can withdrew to do business in the State of Indiana on **May 10, 1991**. When a company withdraws, the designation of the registered agent is revoked. Service can no longer be taken on behalf of this company.

Service of Process

36 South Pennsylvania Street
Suite 700
Indianapolis, IN 46204
Tel. 317 236 8011
Fax 317 655 3176

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

SR-6J

MAY 29 2003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Continental Can
c/o C T Corporation System
36 S. Pennsylvania Street Suite 70
Indianapolis, IN 46204

Re: **GENERAL NOTICE OF LIABILITY**
Himco Dump Site, County Road 10 and the Nappanee Street Extension Elkhart, Indiana

Dear Sir/Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threatened release of hazardous substances, pollutants and contaminants at the HIMCO Dump Site (the Site). A Supplemental Site Investigation/Site Characterization Report (SSI/SC) has been completed which supplements the Remedial Investigation (RI) and Feasibility Study (FS) Reports pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Section 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499 (CERCLA).

The U.S. EPA has spent, and will continue to spend, public funds to investigate releases or threatened releases of hazardous substances pursuant to Section 104 of CERCLA. The SSI/SC Report, which was released to the public in April 2003, describe findings on the nature and extent of contamination at the Site. Based on the findings of the SSI/SC Report, a Proposed Plan to amend the September 1993 Record of Decision (ROD) to address the conditions at the Site was released in April 2003. The Proposed Plan to amend the ROD for the Site is enclosed with this notice as Enclosure A to this letter. The opportunity to comment on the Proposed Plan is scheduled to close on June 29, 2003. After expiration of the public comment period following the release of the Proposed Plan, the Regional Administrator will issue an Amendment which may modify the remedial action to be completed at the Site.

An Administrative Record containing documents that form the basis for the Agency's proposal on the selection of the remedy is available for your inspection at the Elkhart Public Library, 300 South Second Street, Elkhart, Indiana and at the U.S. EPA Regional Office, 77 West Jackson Boulevard, Chicago, Illinois.

Additional Response Actions

U.S. EPA is currently planning to conduct the following additional response activities at the Site:

(1) Design and implementation of the remedial action selected and approved by U.S. EPA and the Indiana Department of Environmental Management for the Site; and,

(2) Provision of any monitoring, operation and maintenance necessary at the Site after the remedial action is completed.

Pursuant to its authorities under CERCLA and other laws, U.S. EPA may decide that other clean-up activities are also necessary to protect public health, welfare and the environment.

Unless the U.S. EPA determines that a Potentially Responsible Party (PRP) or group of PRPs will voluntarily undertake the remedial action necessary at the Site, U.S. EPA is authorized by Section 104 of CERCLA to undertake the remedial action itself. Under Section 107 of CERCLA, the U.S. EPA will seek reimbursement from PRPs of all costs incurred in connection with the action taken. Such costs may include, but are not limited to, expenditures for investigation, planning, response, and enforcement activities. Moreover, under Section 106 of CERCLA, U.S. EPA may order PRPs to implement relief actions deemed necessary by U.S. EPA to protect the public health, welfare, or environment, should those PRPs decline to voluntarily undertake remedial action at the Site.

GENERAL NOTICE

Pursuant to its authority under Section 104(a) of CERCLA, the U.S. EPA is therefore issuing this General Notice to notify you of potential liability which you may have incurred with respect to the Site. This letter provides you an opportunity to enter into negotiations to reimburse the U.S. EPA for costs incurred to date at the Site and to voluntarily undertake the completion of any future remedial action. Special notice procedures pursuant

to Section 122(e) of CERCLA are not being used at this time. Special notice procedures my be used in the future, however, before the initiation of remedial action at the facility. The U.S. EPA will determine if a moratorium period for formal negotiations as set forth in Section 122(e) would facilitate an agreement between PRPs, and the U.S. EPA to expedite a PRP lead remedial action.

PRP Organization

The U.S. EPA would like to encourage good faith negotiations between you and the Agency and among you and other PRPs for the Site. To assist the PRPs in negotiation with U.S. EPA concerning this matter, U.S. EPA is providing a list of the names and addresses of other PRPs to whom this notification is being sent. This list is appended as Enclosure B to this letter. It should be noted that inclusion on or exclusion from the list does not constitute a final determination by the Agency concerning the liability of any party for remediation of Site conditions or payment of past costs. Also enclosed is a U.S. Small Regulatory Enforcement Fairness Act information sheet which may be helpful if you are a qualified small business subject to U.S. enforcement action (Enclosure C).

In order to effectively negotiate a settlement, it is important for the PRPs to organize themselves and establish a Steering Committee. The U.S. EPA strongly encourages you to take immediate steps to organize into a committee to negotiate an agreement with U.S. EPA to undertake the remedial actions at the Site. We hope that you will give this matter your immediate attention.

Address Verification

As a PRP, you should notify the U.S. EPA in writing within ten (10) days of receipt of this letter if any information contained in your address, is incorrect, or if the appropriate contact person has changed since your last communication with the U.S. EPA regarding the HIMCO Site. This request will facilitate further contact with you should the U.S. EPA determine that a formal RD/RA negotiation period pursuant to CERCLA Section 122(e) is appropriate for this Site. Please respond, if necessary, to:

Gwendolyn S. Massenburg
Remedial Project Manager
U.S. Environmental Protection Agency
77 West Jackson Boulevard (SR-6J)
Chicago, Illinois 60604

-or-

Larry L. Johnson
Associate Regional Counsel
U.S. Environmental Protection Agency
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604

-and-

G. Marie Watts
Enforcement Specialist (SR-6J)
U.S. Environmental Protection Agency
77 S. Jackson Blvd.
Chicago, IL 60604

Further Information

If you need further information regarding this letter, you may contact Gwendolyn Massenburg, Remedial Project Manager, at (312) 886-0983. If you have an attorney handling your legal matters, please direct his or her questions to Larry L. Johnson, Associate Regional Counsel, at (312) 886-6609. It should be noted that the factual and legal discussions in this letter are intended solely to provide notice and information, and such discussions are not to be construed as a final Agency position on any matter set forth herein. All other questions should be directed to G. Marie Watts, Enforcement Specialist at (312) 886-7591.

We appreciate your efforts to comment, if necessary, promptly.

Sincerely yours,

James N. Mayka, Chief
Remedial Response Branch #2

Enclosures

cc: (Letter and Enclosures):

Michael Chezik
U.S. Department of Interior
Office of Environmental Policy
Custom House, Room 244
200 Chestnut Street
Philadelphia, PA 19106

Jessica Fliss
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, IN 46206

United States
Environmental Protection
Agency

Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Illinois, Indiana,
Michigan, Minnesota,
Ohio, Wisconsin

EPA

Himco Dump Cleanup Plan Revised

Himco Dump Superfund Site
Elkhart, Ind. **April 2003**

What Can You Do?

Comments provided by residents and other interested people are valuable in helping EPA decide the best course of action. The Agency encourages you to share your views about the *Proposed Plan* modifications. There are two ways to express your opinion during the public comment period. It runs April 11, 2003, to May 12, 2003.

You may send comments to Gwen Massenburg, Remedial Project Manager or Stuart Hill, Community Involvement Coordinator. Comments must be postmarked by May 12, 2003. The mailing addresses are:

- Gwen Massenburg (SR-6J)
  U.S. EPA, Region 5
  OERR
  77 W. Jackson Blvd.
  Chicago, IL 60604
  Phone: 312-886-0983
- Stuart Hill (P-19J)
  U.S. EPA, Region 5
  Office of Public Affairs
  77 W. Jackson Blvd.
  Chicago, IL 60604
  Phone: 312-886-0689

A public meeting will be held at the City Council Chambers, 2nd floor, Municipal Building, 229 S. Second St., Elkhart, on April 23, 2003, from 7 to 9 p.m. You may submit oral and written comments at the meeting. A court

Information continues on back page

Introduction

The U.S. Environmental Protection Agency Region 5, in consultation with the Indiana Department of Environmental Management (IDEM), is proposing to change the original cleanup plan, described in the ***1993 Record of Decision (ROD)***[1] for the Himco Dump Superfund Site (Site), located in Elkhart, Indiana. For details on previous investigations and design reports, including other pertinent documents, consult the **Administrative Record** or the **Information Repository.**

EPA is issuing a ***Proposed Plan*** for an amendment to the ***1993 Record of Decision***. This Proposed Plan is intended to be a short summary of EPA's reasons for recommending a change in the Site's cleanup plan. For those members of the public who wish to evaluate this proposal, EPA has placed the detailed supporting documents in the local Information Repository at the Elkhart Public Library, Pierre Moran Branch, 2400 Benham Ave. EPA encourages any member of the public to review those documents for further information. A file in the repository has been created to make the review of the *Proposed Plan* easier. It includes evaluations of landfill cover systems technology, guidance on **monitored natural attenuation**, and the analyses of the **ground water** data, soil data, and **soil gas** data collected from the Site. The repository also contains copies of the *1993 ROD*, the original *1993 Remedial Investigation/Feasiblility Study (RI/FS)* and the *1996 Remedial Design*. In addition to the local repository, all documents related to the Site are available for review at EPA's regional office located at 77 W. Jackson Blvd., Chicago, IL.

Your input on the proposed cleanup changes and supporting information is valuable in the final remedy selection for the Site. EPA encourages the public to participate in this remedy selection process by reviewing and commenting on the proposed changes presented in this *Proposed Plan*. The *Proposed Plan* is required by Section 117(a) of the ***Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended by Superfund Amendments and Reauthorization Acts (SARA) 1986.*** Before a final decision is made to amend the *1993 ROD*, EPA will hold a public meeting and a public comment period to accept comments from residents and other individuals interested in the Site. As a result of new information or comments received, EPA may modify the proposed *ROD amendment*. Therefore, the public is encouraged to review and comment on the proposed modifications to the original *ROD*. For more information regarding the Site

[1] *Words in* **bold** *are defined in the glossary section.*

and the *Proposed Plan*, see the Site documents that are available in the Information Repository.

The 30-day public comment period begins April 11, 2003 and extends through May 12, 2003 (see section entitled "Public Comment Invited").

Site Location and Background

Himco Dump is a closed landfill covering approximately 60 acres. The Site is located at County Road 10 and the Nappanee Street Extension in the town of Elkhart, Elkhart County, Ind. The Site was privately owned and operated by Himco Waste-Away Services Inc., represented by Charles Himes, and was in operation between 1960 and 1976. The area was initially a mixture of marsh and grassland. There was no liner, leachate collection, or gas recovery system constructed as part of the landfill. An estimated two-thirds of the waste in the landfill was calcium sulfate from Miles Laboratories. As many as 360 tons per day were dumped over an unknown time period. Other waste accepted included household and commercial refuse, construction and demolition debris, and industrial and medical waste. In 1976, the landfill was closed and covered. The cover consisted of approximately 1-foot of sand overlying a calcium sulfate layer. The area bordering the southern perimeter of the landfill consists of construction rubble mixed with a non-native soil and has been named the construction debris area. The construction debris area boundaries were defined primarily from 13 test trenches excavated in 1991 during the second phase of the field studies conducted for the *RI/FS* published in August 1992 (Donohue).

Previous Site Activities and Enforcement

- **1971** - Indiana State Board of Health (ISBH) first identified the Site as an open dump.
- **1974** - ISBH analyzed samples from shallow residential wells located immediately south of the landfill after receiving complaints about the color, taste, and odor of the ground water from the shallow wells, finished at a depth of approximately 22 feet below ground surface (bgs). The analyses indicated the presence of high levels of manganese and iron. ISBH advised Mr. Himes to replace six shallow water wells with deep wells for the residences immediately south of the landfill on County Road 10. The new wells were finished at depths ranging from 152 to 172 feet bgs. Well logs indicated that these wells were finished below a clay confining layer. The existence of a confining layer was not verified in EPA's 1992 *Remedial Investigation.*
- **1975** – Charles Himes, Sr., owner and operator of the Site, signed a consent agreement with the ISBH Stream Pollution Control Board to close the dump by September 1976 with the application of final cover consisting of calcium sulfate overlain by sand.
- **1981** – The United States Geologic Survey (USGS), in cooperation with the Indiana Department of Natural Resources and the Elkhart Water Works, completed a three-year study to determine the extent of the leachate plume potentially emanating from the Site by using bromide concentration in the ground water as an indicator. This study is detailed in the *Hydrologic and Chemical Evaluation of the Ground Water Resources of Northwest Elkhart County, Indiana,* published in October 1981 (Imbrigotta and Martin).
- **1984** – EPA Field Investigation Team (FIT) prepared a Hazard Ranking System (HRS) scoring package for the Site. Monitoring wells previously installed by the USGS that were sampled and analyzed showed that the ground water downgradient of the Site was contaminated with inorganics, semivolatile organic compounds (SVOCs), and volatile organic compounds (VOCs). The inorganics included aluminum, arsenic, barium, beryllium, cadmium, chromium, cobalt, copper, lead, manganese, nickel, mercury, selenium, and zinc. The organic compounds included acetone, benzene, 2-butanone, chloroethane, trans-1,2-dichloroethene, Freon, 4-methylphenol, phenol, and pyrene.
- **June 1988** – The Site was proposed for the National Priorities List (NPL).
- **1989** – A *RI/FS* was initiated by SEC Donohue, under contract for EPA.
- **February 1990** – The Site was placed on the NPL.
- **April 1990** – Due to reports from community interviews indicating that residents with private wells living south of the landfill were complaining about the taste, odor, and the color of their water, EPA's Emergency Response Branch sampled 27 residential wells in late April 1990. The water quality analysis indicated relatively high concentrations of iron, manganese, and sodium. After review of the results, the Agency for Toxic Substances and Disease Registry (ATSDR) recommended an alternative source of potable water due to the high levels of sodium–3,600 **parts per million (ppm)** –had profound implications for persons who suffered from hypertension, diabetes, and heart ailments.
- **September 1991** – Test pits were excavated to characterize the Site's constituents during the *RI*. During one of the excavations, large quantities of **leachate** were observed flowing from the landfill's fill materi-

als. The leachate was observed near the southern edge of the landfill. The leachate was analyzed and found to contain, among other hazardous substances, organic solvents including ethylbenzene (6,400 ppm), 2-hexanone (29,000 ppm), toluene (480,000 ppm), and xylene (44,000 ppm). These contaminants all have an inhalation and contact hazard to persons near the hazards and have flash points ranging from 40 to 90 degrees Fahrenheit. The test pits where the hazardous substances were found were located within 50 yards of the private residences.

- **November 1991** – Municipal water service was provided to the residents living south of the landfill. Himco Waste-Away Services Inc., Miles Laboratories, and the City of Elkhart paid for the municipal water services extension to the residences.
- **May 19, 1992** – Charles Himes, Jr., president of Himco Waste-Away Services Inc., signed an *Administrative Order by Consent (AOC)* to undertake and complete emergency removal activities to abate conditions that would present an imminent and substantial endangerment to the public. An additional requirement of the *AOC* was to excavate near the test pits identified (TL-5) in order to locate the buried VOCs and their source, and also to conduct limited extension of contamination surveys along the southeast central periphery of the Site to assure that no additional VOCs were encountered.
- **May 22, 1992** – EPA initiated an emergency removal action that located and removed 71 55-gallon drums containing VOCs, including ethylbenzene and toluene.
- **1992** – The *Himco Dump Remedial Investigation and Feasiblilty Study* (Donohue, 1992) report was completed. The *RI* field work included geophysics, surveying, trenching, soil sampling, monitoring well installation, ground water leachate sampling, landfill waste mass sampling, residential basement gas sampling, surface water and sediment sampling, and wetland determination.
- **1992** – The results of the *Baseline Risk Assessment* indicated that the potential excess lifetime cancer risk for the Site exceeded the acceptable Superfund **carcinogenic risk** range of $1x10^{-4}$ to $1x10^{-6}$, primarily from the assumed use of on-site contaminated ground water under the future use scenario. Risk from ingestion of, dermal contact with, and inhalation of volatiles from ground water presented carcinogenic risk in the range of $4 x10^{-4}$ to $1x10^{-1}$. South (downgradient) of the landfill, the estimated excess cancer risks to a future adult resident described in the *RI* report (Donohue, 1992), was $5x10^{-3}$. The method for calculating risk included two assumptions:
  1. Chemicals detected in the soil represented chemicals leaching into the ground water, even though the chemicals were not detected in any ground water samples collected.
  2. For the ground water wells located south of the landfill, if chemicals were detected in at least one ground water sample, those chemicals were evaluated at one-half the detection limit, even if the chemicals were not detected in a given exposure point (including leachate samples). Therefore, approximately 80 percent of the estimated risk downgradient of the landfill was attributable to "not detected" chemicals in the ground water. If these chemicals were truly absent, the total population cancer risk would have been estimated at $1x10^{-3}$, due primarily to the presence of arsenic and beryllium in ground water and polynuclear aromatic hydrocarbons (PAHs) in soil (representing leaching to ground water).

  The Hazard Index for humans interacting with the Site exceeded the acceptable Hazard Index of 1.0 (Hazard Index of 1.0 or less is desired). For future use of the ground water beneath the landfill, the Hazard Index values were 500 to1,000. Antimony was the primary contributor to that risk. The other chemicals contributing to risk included arsenic, beryllium, cadmium, chromium, vanadium, alpha-chlordane, and nitrate/nitrite. In addition to ground water, there was an estimated excess cancer risk of $1x10^{-1}$ to a future resident living south of the landfill where PAHs were detected in the soil.
- **September 1992** – The *Proposed Cleanup Plan* was issued to the public for review and comment.
- **September 30, 1993** – EPA issued the *ROD* for the Site. The purpose of the selected remedial action, as specified in the *ROD*, was to eliminate or reduce the migration of contaminants to ground water and to reduce risks associated with exposure to the contaminated materials. The major elements of the remedial action per the *1993 ROD* were:
  1. Construction of a composite barrier, landfill cover (cap) consisting of the following components:
     - An 18-inch-thick vegetative soil layer;
     - A 6-inch-thick sand drainage layer;
     - 40-mil high density polyethylene flexible membrane liner;
     - 2-foot-thick low permeability ($1 x10^{-7}$) clay liner; and
     - A soil buffer layer of variable thickness to attain the State of Indiana grade requirements (4 percent minimum).
  2. Use of institutional controls on landfill property to limit land and ground water use.

3. Installation of an active landfill gas collection system including a vapor phase carbon system to treat the off-gas from the landfill.
4. Ground water monitoring to ensure effectiveness of the remedial action and to evaluate the need for future ground water treatment.
5. Mitigative measures to be taken during the remedial construction activities to minimize adverse impacts to wetlands.

Post-ROD Site Activities

The overall objectives of the post-ROD activities were to gather additional data to supplement the existing data such as a soil gas investigation needed to supplement the *Final Pre-Design Technical Memorandum, Himco Dump Superfund Site* (USACE, 1996), and a supplemental human health risk evaluation needed for the construction debris area to the south of the Site. The purpose of the recent *Supplemental Risk Assessment* was to conduct human health risk evaluations for the Site's off-property areas that were not addressed in the *1992 Baseline Risk Assessment* for the construction debris area. Additional ground water data was needed to ensure the effectiveness of the 1993 remedial action and to evaluate the need for future ground water treatment.

The supplemental investigations include the September 1995 sampling event (detailed in the *Final Pre-Design Technical Memorandum, Himco Dump Superfund Site*, USACE, March 1996), and the 1996 Supplemental Site Investigation, characterizing data involving the ground water downgradient of the landfill. In the 1996 and the 1998 investigations, data was collected from the construction debris area soils, soil gas, and ground water (down gradient) of the landfill. The investigations conducted during April and May and November 2000 involved characterizing ground water migrating east and southeast (side-gradient) of the landfill. All the investigative and risk evaluation data as collected in order to get additional information to determine whether further remedial elements were necessary and warranted in the construction debris area and the area surrounding the landfill affected by the ground water migrating from the Site. A complete list of contaminants and sampling results for the sampling analysis of 1995 - 2000 may be found in the *Himco Dump Superfund Site Supplemental Site Investigation/Site Characterization Report* (USACE, 2002).

Summary of Site Risk

The 1992 risk assessment estimated the risk from exposure to ground water and the landfill proper but did not address the construction debris area or the eastern off-site residential area. The construction debris area is approximately 4 acres in size and is subdivided into seven residential and one commercial property parcels. The residential properties are occupied, but the commercial parcel is vacant. The existing homes on the residential parcels are connected to the local municipal water supply. However, these homes also have operable water wells. The *2002 Supplemental Risk Assessment* identified the construction debris area and the eastern residential area as **exposure pathways** for the Site. The **exposure routes** for these areas are dermal contact with the ground water (showering or bathing); contact with the soil; inhaling vapors from the ground water or the soil; drinking the ground water; and ingesting the soil.

EPA generally attempts to reduce the excess lifetime cancer risk at Superfund sites to a range of 1×10^{-4} to 1×10^{-6}, (1 in 10, 000 to 1 in one million). The excess lifetime cancer risk levels are determined by multiplying the intake levels by the **cancer potency factor** for each contaminant of concern and summing across all relevant chemicals and pathways. These risks are probabilities expressed in scientific notation (e.g., 1×10^{-4}). The hazard index is an expression on non-carcinogenic toxic effects that measures whether a person is being exposed to adverse levels of non-carcinogens. The hazard index for non-carcinogenic health risks is the sum of all contaminants for a given target organ. Any hazard index value greater than 1.0 suggests that a non-carcinogen potentially presents an unacceptable health risk. For detailed information pertaining to the risks associated with the Site, consult the *Himco Dump Superfund Site Supplemental Site Investigation/Site Characterization Report* (USACE 2002).

Construction Debris Area

Although the Maximum Contaminant Level (MCL) for drinking water has not been exceeded recently (1998 - 2000) for any constituent in ground water samples from the Construction debris area, the non-cancer hazard risk for the child resident is unacceptable for ground water in the Construction debris area. The total (across all exposure routes) Hazard Index is 46.0 due to the metals antimony, arsenic, iron, manganese, and thallium and the organics 1,2-dichloropropane, benzene, and vinyl chloride.

For surface soils, EPA's *Soil Screening Guidance: User's Guide, Office of Solid Waste and Emergency Response*, EPA/540/R-96/018. PB96-963505, April 1996 uses 400 mg/kg (same as 400 ppm) as a lead screening level for

residential soil as an appropriate screening level for inorganic lead. In the construction debris area, lead was detected above the residential screening level in one of the land parcels at the concentration of 695 mg/kg (695 ppm). Lead was also detected in other surface, near-surface, and subsurface soil samples for several other parcels. However the concentrations detected were below the screening level, and the samples collected were not sieved. It has been determined that lead is enriched in the fine particle fraction from sieved soil samples. Therefore, the soil concentrations measured may be an underestimate of the actual concentration of lead found in the other parcels.

The soil gas data collected in this investigation as not included in the risk assessment. Some uncertainty in the total media risk calculated for the land parcels is assumed based on the extent of soil migration that is shown to have occurred.

Eastern Residential Ground water

The MCL for 1,2-dichloropropane (5 µg/L or 5 ppb), a suspected carcinogen, was exceeded in a private well in this area. The estimated Site-related incremental lifetime cancer risk for this area was 5.5×10^{-4}, which exceeds the 1×10^{-4} to 1×10^{-6} acceptable risk range for an adult resident. Contributing to the adult risk level from ground water is the potential for ingestion of arsenic and the inhalation of benzene during household use. Due to the high levels of sodium detected in the drinking water, there is also concern for the adult resident who may have hypertension, diabetes, and other heart ailments.

The hazard index value of 28.95 for the child resident is unacceptable due to the metals arsenic, chromium, iron, manganese, and thallium and the volatiles benzene and 1,2-dichloropropane for all exposure routes.

Recomended Changes to the Cleanup Remedy for the Site

EPA proposes to amend the Site's *ROD* to modify the 1993 landfill composite cap design, and to establish a contingency for further ground water containment and remediation. If during the long-term monitoring of ground water a hazardous constituent exceeds the "trigger" number, a contingency remedy will be implemented. The contingency remedy will be developed at that time to meet the performance standards of a remedial action implemented to decrease the hazardous constituent's ground water concentration to below the trigger number within a 12-month period of the initial exceedence. EPA's trigger levels will be based on the multiple exposure routes for ground water for the individual hazardous constituent; i.e., inhalation, dermal contact, and ingestion. For potential human carcinogens, the trigger level corresponds to the 1×10^{-4} excess lifetime cancer risk level. This number also corresponds with the comparison values from the ATSDR risk category definition, where there is a low increased risk from exposure to a particular carcinogen. For example, the suggested trigger for 1,2-dichloropropane, a carcinogen, would be 16 ppb. For non-carcinogens, the trigger levels measured would be any Hazard Index value greater than 10.0 for drinking water.

The rationale for modifying the 1993 cap is as follows:

- Since the landfill waste mass is in contact with the water table, the effectiveness of the 1993 cap is minimized and therefore not cost effective.
- The 1993 cap will not remove the potential threat to the receptor. In this *Proposed Plan*, receptors (residents) will be connected to the local municipal water supply; therefore, the increased cost of the 1993 cap is not necessary.
- The architectural/structural requirement of 1993 to protect the cap's integrity would have increased the cost or prohibited potential redevelopment of the Site. A brownfields grant has been recently awarded to the City of Elkhart for the Site to ascertain the feasibility of restoring the property to productive reuse.
- An extensive ground water monitoring system will be implemented to ensure the protectiveness of all potential receptors.

A modified soil cover will be constructed over the "footprint" of the entire 60-acre landfill, which will consist of the following:

- Contour and grade the existing cover;
  - Add 30 inches of vegetated soil cover, of which 6 inches must be topsoil, seeded, if possible, with the current on-site plant species to preserve the Site's prairie plant community;
  - An erosion layer of at least 6 inches of soil capable of sustaining the growth of native plants;
  - A barrier layer consisting of at least 24 inches of compacted low permeability (1×10^{-5} cm/sec) soil cover. The rationale for the 30-inch soil cover had to do with that area of Indiana having a 24-inch freeze/thaw depth. Therefore, the bottom 6 inches of soil will not be impacted by the potential freeze/thaw phenomenon;
  - Random fill/existing waste;
- Institutional controls on landfill property will limit

the land reuse to industrial, recreational, or commercial.

- Construction of the cover will be implemented to avoid or minimize adverse effects on the wetland,
- Final grading of the total cover to no less than a 2 percent slope, after an accounting for the anticipated settlement.
- Install an active landfill gas collection system to remove the gas generated in the landfill waste mass, and vent the gas to the atmosphere after treatment with vapor-phase activated carbon to remove VOCs and control odors. If necessary, a thermal oxidation process with a flare stack will be constructed as required by Indiana Administrative Code (IAC) 326,
- Quarterly monitoring of the soil gas to assure that the performance standards of the active gas collection system are functioning properly for a duration of one year; semiannually for the next four years; and then re-evaluated to determine the monitoring schedule for the next 25 years.
- Periodic inspections. A complete inspection of the landfill cover system, drainage structures, landfill gas (LFG) collection and treatment system, and ground water wells. LFG monitoring probes will be conducted periodically during the post-closure period. Periodic inspections will be performed on a quarterly basis during the first two years post-closure. Following this period, periodic inspections will be conducted semiannually.
- Operation and maintenance (O&M) of the vegetative cover for 30 years.

For the construction debris area:

- Excavate the lead from the parcel that exceeded the screening level of 400 ppm and backfill with clean soil. Excavated soil will be disposed of per land disposal requirements.
- Remove all construction debris and rubble from the construction debris area, and backfill with clean soil.
- Abandon the 10 private wells in the construction debris area. Residential wells must be abandoned after municipal water is provided to the resident according to the Indiana Department of Natural Resources' requirements listed in 312 IAC 13-10-2. Once the private wells are abandoned at a residence, a deed restriction will be applied to that property to prohibit future private well installation and future ground water use.

For the residential area east and southeast of the landfill:

- Connect select residents (including a buffer zone) living on the east and southeast side of the landfill to the local municipal water supply (20 select and 15 buffer zone residents for a total of 35 residents).
- Abandon all residential private wells once the municipal water supply has been established. An appurtenant deed restriction will be applied to each property to prohibit future private well installation and future ground water use.
- Complete a ground water investigation on the south and east sides of the Site to determine the extent of detected contaminants. The investigation will involve vertical characterization of the contaminants to optimize placement of additional long-term monitoring wells.
- Establish a long-term ground water monitoring program to monitor the future ground water conditions from all the monitoring wells associated with the landfill, including the newly installed monitoring wells. The purpose is to determine if the ground water threshold trigger has been initiated or to determine if a municipal water supply should be extended past the buffer zone.
- The trigger for extending municipal water to the residential properties is reached when a monitoring well sample from the buffer zone meets or exceeds the MCL for four consecutive sampling events. This is to ensure that the elevated level is representative of ground water conditions. **Nested** monitoring wells will be installed in the buffer zone, not in the area where the residents are still using private wells. The purpose of the monitoring wells is to find a potential problem before it can impact the receptors. Residential wells must be abandoned once municipal water is provided to the resident according to the requirements listed in 312 IAC 13-10-2.

Long-Term Ground water Monitoring at the Landfill

- Monitor all ground water monitoring wells associated with the landfill for a minimum of 10 years; quarterly for the first two years. Based on the results, ground water monitoring may be decreased to semiannually for the next three years. The monitoring results will be evaluated to aid in predicting contaminant trends, and evaluate seasonal effects. At the five-year review periods (Superfund requirement for all sites where waste remain onsite), the ground water long-term monitoring requirements will be reassessed to determine the continued frequency and duration at that time.
- Implement institutional controls with deed restrictions limiting future ground water use, prohibiting the installation of new private ground water wells in the Site's vicinity, and no drilling or digging into the landfill cover.

Monitored Natural Attenuation – The use of natural processes, within the context of a carefully controlled and monitored site cleanup approach, to reduce contaminant concentrations to levels protective of human health and the environment within a reasonable time period.

Nested – A group (usually three) of monitoring wells screened at different sampling depths near each other in order to identify what depth the contaminants are located in the ground water.

Parts per Million (ppm) – A common basis for reporting water analysis. One ppm equals one unit of measurement per million units of the same measurement.

Proposed Plan – A document that describes the remedial alternative analyzed for a Superfund site and identifies the preferred alternative and the rationale for the preference.

Record of Decision (ROD) – A document outlining the selected remedy for a Superfund Site. The ROD includes the Responsiveness Summary, which addresses concerns presented to EPA during the public comment period. The ROD is signed by the director of EPA Region 5 Superfund Division.

Soil Gas – The vapors occupying the pore spaces of soils resulting from the decomposition of organic matter. Methane is the most common type of soil gas.

COST ESTIMATE SUMMARY

1. Present Worth Cost Estimates were based on a 7 percent Multi-Year Discount Factor of 12.409.
   a. Reference: *A Guide To Developing and Documenting Cost Estimates During Feasibility Study*; EPA 540-R-00-002; OSWER 9355.0-75; July 2000.
   b. Present Worth or Present Value cost estimate is defined as the amount of funds that needs to be set aside at the initial point in time (base year) to assure that funds will be available in the future as they are needed to fund annual costs.
2. The *1993 ROD* costs were taken from *1993 ROD* Table 10 Cost Summary.

Table 1. 2003 PROPOSED PLAN COST ESTIMATE SUMMARY

REMEDY COMPONENTS	COST ($)
Cover	3,833,200
Construction debris area Removal	194,400
Active Landfill Gas Collection and Treatment System	1,430,300
Monitoring Well Installation	80,300
South and East Side Ground water Investigation	192,500
Construction debris area Residential Well Abandonment	4,600
East Side Residential Well Abandonment	331,200
Real Estate Filing Fees	13,900
5-Year Reviews (6)	165,000
Future Land Use FS	110,000
Residential Well Municipal Water Connections (35)	355,000
Total (Capital Cost)	**6,710,400**
LONG-TERM OPERATION, MAINTENANCE, AND MONITORING	
Annual O&M Cost	623,500
30-Year Landfill Cap O&M	18,705,000
Present Worth Cost (Single Payment 30-Year O&M)	**7,738,000**
Total Present Worth Project Cost (Single Payment Capital = O&M Cost)	**14,448,400**
CONTINGENT REMEDY COMPONENTS	
Ground water Treatment System	1,658,700
30-Year Ground water Treatment System O&M	17,003,800
Additional Residential Commections (30 properties)	323,100

3. The *1993 ROD* cost estimate did not contain detailed information how the estimate was developed.
4. The 1993 Cost Estimate did not contain the following cost items:
   a. East Side Ground water Investigation
   b. Construction debris area Residential Well Abandonment
   c. East Side Residential Well Abandonment
   d. Real Estate Filing Fees
   e. Five-Year Reviews (6)
   f. Future Land Use FS
   g. Residential Municipal Water Connections (35)
5. The 2003 Revised *1993 ROD* cost estimate was based on the 1993 cost with a 2 percent cost escalation over a 10-year period.
6. The Draft Proposed Plan Cost Estimate Summary was based on the "Recommended Changes to the Cleanup Remedy for the Site" section of the Draft *Proposed Plan* which included and outline of the recommended remedy with assumptions and comments.

Table 2. 1993 ROD REMEDY COST ESTIMATE

1993 ROD REMEDY SUMMARY	**COST ($)**
1993 ROD Remedy	8,931,000
Consisting of:	
Composite Barrier Solid Waste Cap	
Active Landfill Gas Collection and Treatment System	
Ground water Monitoring and Institutional Controls	
Total (Capital Cost)	**8,931,000**
LONG-TERM OPERATION, MAINTENANCE, AND MONITORING	
Annual O&M Cost	210,000
30-Year Landfill Cap O&M	2,890,000
Total Present Worth Cost (1993)	**11,821,000**
CONTINGENT REMEDY COMPONENTS	
Ground water Treatment System	1,658,700
30-Year Ground water Treatment System O&M	17,003,800

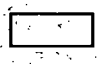
Table 3. 2003 REVISED 1993 ROD REMEDY COST ESTIMATE

2003 REVISED 1993 ROD REMEDY SUMMARY	**COST ($)**
2003 Revised ROD Remedy	10,889,000
Consisting of 1993 ROD Components:	
Composite Barrier Solid Waste Cap	
Active Landfill Gas Collection and Treatment System	
Ground water Monitoring and Institutional Controls	
Total (Capital Cost)	**10,889,000**
LONG-TERM OPERATION, MAINTENANCE, AND MONITORING	
Annual O&M Cost	623,500
30-Year LF Cap O&M	18,705,000
Present Worth Cost (Single Payment 30-Year O&M)	**7,738,000**
Total Present Worth Project Cost (Single Payment Capital = O&M Cost)	**18,627,000**
CONTINGENT REMEDY COMPONENTS	
Ground water Treatment System	1,658,700
30-Year Ground water Treatment System O&M	17,003,800

Evaluating the Alternatives Against the Nine Evaluation Criteria

EPA evaluated the alternatives against eight of the nine evaluation criteria (see the table below describing the nine criteria EPA uses to evaluate an alternative). The community acceptance criterion will be evaluated after public comments are received by EPA. The degree to which the alternatives meet the evaluation criteria, as determined by EPA, is shown in the table below. EPA believes that the proposed plan *ROD amendment* meets the evaluation criteria better than the September 1993 ROD remedy or the no further action alternative.

Nine Evaluation Criteria	No Further Action	1993 ROD Remedy: Selection Composite Cap with Line and Gas Collection System	2003 Proposed Plan: Soil Cover, Gas Collection System, Soil Removal, New Water Supply and Long-Term Ground water Monitoring
1. Overall Protection of Human Health and the Environment			
2. Compliance with ARARs			
3. Long-Term Effectiveness and Permanence			
4. Reduction of Toxicity, Mobility, or Volume through Treatment			
5. Short-Term Effectiveness			
6. Implementability			
7. 2003 Total Present Worth Cost (Single Capital Payment with O&M Cost)	$ 0	$ 18,627,000	$ 14,448,400
8. State Acceptance	Accepted by Indiana Department of Environmental Management		
9. Community Acceptance	Will be evaluated after the public comment period.		

 Meets Criterion  Partially Meets Criterion  Does Not Meet Criterion

Explanation of the Nine Criteria

EPA uses the following nine criteria to evaluate the cleanup alternatives. A table comparing the alternatives against these criteria is provided.

1. Overall Protection of Human Health and the Environment. Assessment of the degree to which the cleanup alternative eliminates, reduces, or controls threats to public health and the environment.
2. Compliance with Applicable or Relevant and Appropriate Requirements. An evaluation of whether or not the alternative attains applicable or relevant and appropriate requirements under federal environmental laws and state environmental or facility siting laws.
3. Long-Term Effectiveness and Permanence. The cleanup alternative is evaluated in terms of its ability to maintain reliable protection of human health and the environment over time.
4. Reduction of Toxicity, Mobility, or Volume Through Treatment. An evaluation of how well a cleanup alternative reduces the harmful nature of the contamination at the site; the ability of the contamination to move from the site into the surrounding area; and the amount of contaminated material.
5. Short-Term Effectiveness. The length of time needed to implement a cleanup alternative is considered. EPA also assesses the risks that carrying out the cleanup alternative may pose to workers and nearby residents.
6. Implementability. An assessment of how difficult the cleanup alternative will be to construct and operate, and whether the technology is readily available.
7. Cost. A comparison of the costs of each alternative. Includes capital, operation, and maintenance costs.
8. State Acceptance. EPA takes into account whether the state agrees with the recommended change, and

considers comments from the state on the proposed ROD amendment and Focused Feasibility Study.

9. Community Acceptance. EPA considers the comments of local residents on the recommended amendment to the cleanup plan presented in this fact sheet and on the information in the Focused Feasibility Study.

Information Repository

The repository is located at:

Elkhart Public Library
Pierre Moran Branch
2400 Benham Ave.
Elkhart, Ind. 46517

Contact Information

Comments provided by the residents and other interested people are valuable in helping EPA decide the best course of action. You may send your comments to either person listed below:

Gwen Massenburg (SR-6J)
Remedial Project Manager
U.S. EPA, Region 5
77 W. Jackson Blvd.
Chicago, IL 60604
312-886-0983

Stuart Hill (P19-J)
Community Involvement Coordinator
U.S. EPA, Region 5
77 W. Jackson Blvd.
Chicago, IL 60604
312-886-0983

Public Meeting Information

Wednesday, April 23, 2003
7:00 to 9:00 P.M.
City Council Chambers
2nd Floor
Municipal Building
229 S. Second Street
Elkhart, IN 46516

Your Opinion Counts!

Public Comments Invited

Comments provided by residents and other interested individuals are valuable in helping EPA decide whether and how to amend the remedy for the Site. EPA encourages you to share your views about the proposed modifications to the Site cleanup plan. There are two ways to express your opinions during the public comment period:

- You may send your comments to Gwen Massenburg, Remedial Project Manager or to Stuart Hill, Community Involvement Coordinator. The contact information is provide on the last page of this document under the "Contact Information" section. Comments must be postmarked by May 12, 2003.
- A public meeting will be held at the City Council Chambers, 2nd floor, Municipal Building, 229 S. Second Street, Elkhart, IN, on Wednesday, April 23, 2003, 7 to 9 p.m. You may submit oral comments or written comments during that public meeting. A court reporter will be present to record oral comments.

EPA will respond to all comments in a document called the Responsiveness Summary. The Responsiveness Summary will be attached to the *ROD amendment* and will be made available to the public in the information repository at the library.

Continued from page 1

reporter will be on hand to take your oral comments.

EPA will respond to all comments in a document called the responsiveness summary. The responsiveness summary and all other site documents will be available for viewing at the official repository at the Elkhart Public Library.

EPA Wants to Change Cleanup Plan for Himco Dump Site

EPA
Office of Public Affairs (P-19J)
U.S. Environmental Protection Agency Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Enclosure B
HIMCO PRP LIST

HIMCO DUMP SITE PRP LIST FOR NOTICE LETTERS FOR RA UPDATED 5/23/2003

AACOA Company
727 Randolph
Elkhart, IN 46514

Bower Manufacturing
10119-12 S. 10th Street
Elkhart, IN 46516

CTS Corporation
900 North West Blvd
Elkhart, IN 46516

Crosbie Foundry, Inc.
1600 Mishawaka Street
Elkhart, IN 46514-1898

Domore System Division
28652 Phillips Street
Elkhart, IN 46514

Hermaseal Company Inc.
1101 Lafayette Street
Elkhart, IN 46516

CLD Corporation
54157 Staruer Avenue
Elkhart, IN 46514

Eaz-Lift Spring Corporation
1318 W. Bristol Street
Elkhart, IN 46514

Foamex Products, Inc.
603 Industrial Parkway
Elkhart, IN 46514

Glascoat of Midwest
720 Collins Road
Elkhart, IN 46514

Henkels & McCoy, Inc.
1800 Johnson Street
Elkhart, IN 46514

Himco Waste-Away Inc.
C/O Charles Himes Jr.
1224 Strong Avenue
Elkhart, IN 46514

L & J Press Corporation
P. O. Box 339
Elkhart, IN 46515

LaBour Pump Co.
1607 Sterling Avenue
Elkhart, IN 46516

Selmer Division
600 Industrial Parkway
Elkhart, IN 46516

Triangle Products
2111 Industrial Parkway
Elkhart, IN 46515

Truth Publishing
421 S. Second Street
Elkhart, IN 46516

Himco Waste-Away Inc.
C/O Richard Paulen
Barnes & Thornburg
301 South Main Street
Suite 305
Elkhart, IN 46516

Universal Forest Prod. #1
50415 Harber
Granger, IN 46530

Excel Industries, Inc.
W.C. Blanton, Esq
Blackwell, Sanders, Peper, & Martin, LLP
2300 Main Street, Suite 1000
Kansas City, MO 64113

Valley Machine Prod. Inc.
1840 Borneman Avenue
Elkhart, IN 46517

Indiana & Michigan Power Co.
P.O. Box 580
Elkhart, IN 46515

Conrail Corporation
6 Penn Center
Philadelphia, PA 19103

Elkhart General Hospital
600 East Boulevard
Elkhart, IN 46514-2499

Bayer Corporation
1884 Miles Avenue
Elkhart, IN 46515-0040

Alonzo Craft
1616 Locust Pl. #101
Elkhart, IN 46514

Miles Laboratories, Inc
C/O Reed Oslan
Kirkland & Ellis
200 E. Randolph
Chicago, IL 60601

Bayer Corporation
Armstrong WT Company
1000 Industrial Pkwy
Elkhart, IN 46516

Durakool, Inc.
1010 North Main Street
Elkhart, IN 46514

ESI Meats
605 Kesco Drive
Bristol, IN 46507

Gaska Tape, Inc.
P.O. Box 1968
Elkhart, IN 46517

Hartson-Kennedy Co., Inc.
P.O. Box 3095
Marion, In 46953

Himes, Jr., Charles
707 Wildwood Avenue
Elkhart, In 46514

Kampco Steel Products
5733 County Road 3
Elkhart, IN 46517

Lithotone, Inc.
1313 West Hively
Elkhart, In 46517

North American Phillips
Risa Weinstock
100 E. 42nd Street
New York, NY 10017-5599

Miles Laboratories, Inc.
Attn: Richard W.Winchell, Esq.
1127 Myrtle Street
Elkhart, IN 46515

Parr, Inc.
c/o Koopers Company
Koopers Building
Pittsburgh, Pennsylvania 15219

Walerko Tool & Engineering
1935 West Lusher Street
Elkhart, IN 46517

White Hall Laboratories
1919 Superior Street
Elkhart, IN 46514

Accra Pac. Inc.
2040 Toledo Road
Elkhart, IN 46516-5541

CG Conn Ltd.
c/o United Musical Instruments
USA Inc.
1000 Industrial Pkwy
Elkhart, IN 46516-5581

Continental Can
c/o C T Corporation System
36 S. Pennsylvania Street Suite 700
Indianapolis, IN 46204

E. K. Blessing Co., Inc.
1301 W. Beardsley Ave.
Elkhart, IN 46514-1895

Easco Aluminum
23841 Reedy Dr.
Elkhart, IN 46514-8315

Elcona Homes Corp.
2200 Middlebury St.
Elkhart, IN 46516-5518

Elkhart Brass Mfg. Co., Inc
1302 W. Beardsley Ave.
Elkhart, IN 46514-1891

Franklin Press, Inc.
56850-B Elk Park Dr.
Elkhart, IN 46516-1450

Goshen Implements Inc.
64358 US Hwy. 33
Goshen, IN 46526-9291

Indiana Michigan Power
23333 U. S. 20
Elkhart, IN 46514

Kropf Manufacturing Co., Inc.
58647 St. Rd. 15
Elkhart, IN

Liberty Homes, Inc.
1101 Eisenhower Dr.
Goshen, IN 46526-5309

Mor-Ryde, Inc.
1966 Moyer Ave.
Elkhart, IN 46514

Reese Products, Inc.
51671 St. Rd 19
Elkhart, IN 46514

Vincent Bach Corp.
600 S. Industrial Pky
Elkhart, IN 46516

Wells Cargo, Inc.
1503 W. McNaughton Ave.
Elkhart, IN 46514-2243

American Plastics of Elkhart Inc.
Plant #2
US Hwy 20 W.
Elkhart, IN

Elixir Industries
Broadway Elkhart
640 Collins Road
Elkhart, IN 46516

Champion Motor Homes
(formerly Titan Homes)
58277 State Rd. 19
Elkhart, IN

Journey Custom Motor Homes Inc.
27365 Co. Rd. 6
Elkhart, IN

Yellowstone, Inc.
22400 Mishawaka St.
Elkhart, IN

Excell Industries, Inc.
c/o Jacqueline A. Simmons
Ice Miller Donadio & Ryan
One American Square, Box 82001
Indianapolis, IN 46282

Henkels & McCoy, Inc.
c/o Jennifer Berke
Kelly, McLaughlin & Foster
260 South Broad Street
Philadelphia, PA 19102-5092

Indiana Michigan Power Company
One Summit Square
P.O. Box 60
Fort Wayne, IN 46801

Riblet-Frame
P.O. Box 1124
Elkhart, IN 46515

Selmer Division
c/o James V. Woodsmall
Warrick, Weaver & Boyn
121 West Franklin Street
Elkhart, IN 46516-3284

Enclosure C
U.S. EPA Small Business Enforcement Fairness Act
Information Sheet

EPA United States Environmental Protection Agency

Office of Enforcement and Compliance Assurance (2201A)
EPA 300-F-99-004 September 1999

Office of Enforcement and Compliance Assurance

INFORMATION SHEET

U.S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and State environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. Many public libraries provide access to the Internet at minimal or no cost.

EPA's Small Business Home Page (http://www.epa.gov/sbo) is a good place to start because it links with many other related websites. Other useful websites include:

EPA's Home Page
http://www.epa.gov

Small Business Assistance Programs
http://www.epa.gov/ttn/sbap

Compliance Assistance Home Page
http://www.epa.gov/oeca/oc

Office of Site Remediation Enforcement
http://www.epa.gov/oeca/osre

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance on environmental requirements.

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs. Key hotlines include:

EPA's Small Business Ombudsman
(800) 368-5888

Hazardous Waste/Underground Tanks/ Superfund
(800) 424-9346

National Response Center
(to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone and Refrigerants Information
(800) 296-1996

Clean Air Technical Center
(919) 541-0800

Wetlands Hotline
(800) 832-7828

Continued on back

U.S. EPA SMALL BUSINESS RESOURCES

Compliance Assistance Centers

In partnership with industry, universities, and other federal and state agencies, EPA has established national Compliance Assistance Centers that provide Internet and "faxback" assistance services for several industries with many small businesses. The following Compliance Assistance Centers can be accessed by calling the phone numbers below and at their respective websites:

Metal Finishing
(1-800-AT-NMFRC or www.nmfrc.org)

Printing
(1-888-USPNEAC or www.pneac.org)

Automotive Service and Repair
(1-888-GRN-LINK or www.ccar-greenlink.org)

Agriculture
(1-888-663-2155 or www.epa.gov/oeca/ag)

Printed Wiring Board Manufacturing
(1-734-995-4911 or www.pwbrc.org)

The Chemical Industry
(1-800-672-6048 or www.chemalliance.org)

The Transportation Industry
(1-888-459-0656 or www.transource.org)

The Paints and Coatings Center
(1-800-286-6372 or www.paintcenter.org)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information. For assistance in reaching state agencies, call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at http://www.smallbiz-enviroweb.org/state.html.

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses: The Audit Policy (http://www.epa.gov/oeca/auditpol.html) and the Small Business Policy (http://www.epa.gov/oeca/smbusi.html). These do not apply if an enforcement action has already been initiated.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your Standard Industrial Code (SIC) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.

Name Searched On:
continental can (Legal)

Current Information

Entity Legal Name:
CONTINENTAL CAN COMPANY INC

Entity Fictitious Name:

Entity Address:
800 CONNECTICUT AVE , NORWALK, CT 06856

General Entity Information:

Control Number: **198507-533**
Status: **Withdrawn**
Entity Type: **For-Profit Foreign Corporation**

Entity Creation Date: **7/18/1985**
Entity Date to Expire:
Entity Inactive Date: **5/10/1991**

Original Creation Date:
Original Creation State: **DE**

There are no other names on file for this Entity.

Registered Agent(name, address, city , state , zip):
C T Corporation System
36 S. Pennsylvania Street Suite 700
Indianapolis, IN 46204

Principals(name, address, city, state, zip - when provided)
Donald L. Sturm
President
1000 Kiewit Plaza
OMAHA, NE 68131

BERMAS.STEPHEN.
Secretary

9 SHELTER BAY DR
GREAT NECK NY, NY

Transactions:

Date Filed	Effective Date	Type
7/18/1985	7/18/1985	Application for Certificate of Authority
5/10/1991	5/10/1991	Application for Certificate of Withdrawal
10/12/1995	10/12/1995	Statement of Resignation of Registered Agent
5/10/1991	5/10/1991	Application for Certificate of Withdrawal
9/4/2000	9/4/2000	Notice of Change of Registered Office or Registered Agent

Corporate Reports:
Years Paid
1986 1987 1988 1989 1990

Years Due
1996 1997/1998 1999/2000 2001/2002 2003/2004

Additional Services Available:
This Business Entity is not eligible to receive a Certificate of Existence/Authorization.

NEW SEARCH

All the entity information captured by the Indiana Secretary of State, pursuant to law, is displayed on the Internet. For further information, please call our office at 317-232-6576. Copies of actual corporate documents can also be ordered online.
If you encounter technical difficulties while using these services, please contact the accessIndiana Webmaster